



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JAN 02 2015

Don Wiggins, Manager of Technical Services
Walter Coke
3500 35th Avenue North
Birmingham, Alabama 35207

RE: Mineral Wool Pile – Regulatory Status
Administrative Order on Consent – Docket # RCRA 04-2012-4255
US EPA ID Number: ALD 000 828 848

Dear Mr. Wiggins:

During my October 2014 site visit to the Walter Coke facility, you mentioned a desire to obtain a succinct letter from the US Environmental Protection Agency outlining its regulatory position on the mineral wool piles.

The EPA has reviewed the risk analysis of the mineral wool pile data conducted by Walter Coke, and based on the sampling of the contents of the piles, the EPA agrees with the conclusion that the mineral wool stored in the on-site piles does not currently pose a risk to human health or the environment.

However, as you know, the mineral wool piles are a primary concern of the local residents because of their proximity to the adjacent communities. To help address community aesthetic concerns about the piles, EPA is committed to working with Walter Coke to identify productive uses of the mineral wool material. Any potential viable solutions that the EPA identifies will be shared with you for Walter Coke's consideration. Although it is unlikely that one solution will be found that fully resolves the matter, it is hoped that our continued joint cooperation will eventually hit upon a mix of solutions that will resolve some, if not all, of the concerns related to the piles.

Should you have any further questions, please contact me at (404) 562-9629 or hardegree.wes@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Wesley S. Hardegree".

Wesley S. Hardegree
Corrective Action Specialist
Restoration and Underground Storage Tank Branch

Cc: Dan Grucza – Walter Energy
Chip Crocket, ADEM

Hardegree, Wesley

From: Hardegree, Wesley
Sent: Friday, February 06, 2015 8:35 AM
To: Wiggins, Don
Subject: RE: Walter Coke - Mineral Wool Piles (MWP)

Don,

We'll just add this topic to the very end of our meeting on the 19th.

Thanks,

Wes

From: Wiggins, Don [mailto:don.wiggins@walterenergy.com]
Sent: Thursday, February 05, 2015 4:00 PM
To: Hardegree, Wesley
Subject: RE: Walter Coke - Mineral Wool Piles (MWP)

Wes,

As Walter Coke has consistently stated, our position on the Mineral Wool Piles (MWP) remains:

- Sampling conducted by Walter Coke and EPA independently confirmed the material is inert and does not pose a risk, either to human health or the environment.
- EPA recognizes that the MWP's are not a regulatory or environmental concern.
- Walter Coke's efforts will be entirely voluntary, in the spirit of responding in good faith to a matter raised by our neighbors.
- Walter Coke is interested in working with EPA (and others) to address the community's concerns related to the piles' aesthetics but this must be in conjunction with a beneficial use.
- The material has value and Walter Coke and EPA are working to find productive uses for it.
- EPA and Walter Coke are committed to working with state and local agencies having an interest in how the material is managed, including dust levels.
- Any plans developed to find productive uses for the material cannot have an adverse financial impact to Walter Coke.
- North Birmingham has seen a century of industrial activity and EPA should not solely focus on Walter Coke but all industrial entities to participate in this type of project/effort going forward.

We have had discussions with EPA in the past about the necessary steps that must be accomplished (identifying end uses, dust control plan etc.) and we will be glad to revisit the plan with you. My schedule for next week will not allow for a teleconference. May I propose that we discuss in person the following week, in person, while you are here at the Walter Coke facility?

While we recently identified some potential uses for the material, significant challenges regarding dust control and extremely challenging business conditions must be considered.

Sincerely,

Don Wiggins
Walter Coke, Inc.

From: Hardegree, Wesley [mailto:Hardegree.Wes@epa.gov]
Sent: Wednesday, February 04, 2015 9:26 AM
To: Wiggins, Don
Subject: Walter Coke - Mineral Wool Piles (MWP)

Don,

Since I've been involved, we've had small conversations on the MWPs, mostly about finding beneficial end users. Given this fact, along with the meeting held last month here in Atlanta of the Interagency Working Group for Environmental Justice - North Birmingham, I'm thinking it might be a good time for us to touch base again for a few minutes to get a better understanding of the next steps for dealing with the MWPs.

Can you, me and Meredith have a conference call to assess where we are with the MWPs and to go over/confirm next steps and schedules? Just shoot me some dates/times for later this week or next that work for you. We'll see which ones work best for us.

We can also give you a briefing on the IGW Work Group if this is a new activity to you (which it probably isn't).

<http://yosemite.epa.gov/opa/admpress.nsf/0/A2665E03BE6F2A7685257D2B006FF08A>
<http://www.birminghamcitycouncil.org/download/EPA%20Meeting,%20January%2022,%202015,%20Atlanta,%20GA.pdf>

Background: My understanding is that the following conceptual approach to address the MWPs was agreed upon based on preliminary discussions held last year between Walter Coke and EPA.

- Phase I - From the existing onsite MWPs along Shuttlesworth Avenue, a continuous, 8-10 foot high rolling berm would be constructed to simulate a natural landscape contour. The objective of the berm would be to create an aesthetically appealing landscape; block the view of other MWPs (behind the existing roadside pile) and the facility operations from residents, vehicles, and pedestrians; and to provide a sound barrier between the community and the facility.

Walter Coke is currently searching for beneficial uses for the product that will need to be removed. A promising beneficial end user exists for utilization of the material in local road construction. Samples have been taken, and the end user is evaluating the material's potential use.

- Phase II - Additional Mineral Wool Piles located on the facility (behind the existing roadside pile and including any material remaining from Phase I) would be addressed as markets for the product are identified. This phase of the operation may go on, intermittently, for some time, given the volume of material present.

Next Steps: Are these the next steps, as you understand/see them, in order to accomplish Phase I and II? Do you have any other steps/decision points in mind? I just want to make sure we are all working under the same general game plan.

1. Decide how much longer to take to find a beneficial end user for implementation of Phase I (i.e., decide whether to implement Phase I without a beneficial end user).
2. Pursue technical discussions with other concerned stakeholders for the development of a technically sound option for removing the MWP. For example, do we need to get a plan in place now on how to safely and within regulations (think air) move material so that we'll be ready to go if a beneficial user is found or if we decide Phase I should begin prior to finding a beneficial user?
3. Draft a preliminary technical plan that addresses Phase I.
4. Decide when to meet have a public listening session to gauge community opinion and obtain feedback on the plan or to gauge their desires for the piles.
5. What about a schedule for these and any other next steps?

Regards,

Wesley S. Hardegree
RCRA Corrective Action and Permitting Section
US EPA Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

Ms. Carol W. Farrell
President
Walter Coke, Inc.
3500 35th Avenue
Birmingham, Alabama 35207-2918

AUG 25 2014

Dear Ms. Farrell:

Thank you for your July 23, 2014, letter as a follow-up to our meeting on July 15, 2014. The U.S. Environmental Protection Agency was pleased to have the opportunity to meet with you to discuss the important issues we are addressing in the North Birmingham area.

In response to your comments regarding the letter of commitment we discussed related to the mineral wool piles, the EPA is committed to working with Walter Coke to identify a final disposition for the mineral wool piles that is acceptable to the community, Walter Coke and the agency. As you stated, the mineral wool piles are a primary concern of the local residents because of their proximity to the adjacent communities.

The EPA has reviewed the risk analysis of the mineral wool pile data conducted by Walter Coke, and based on the limited sampling of the contents of the piles, the EPA agrees with the conclusion that the mineral wool stored in the on-site piles does not currently pose a risk to human health or the environment. Given the continuing concerns from the community regarding these piles and Walter Coke's expressed willingness to relocate the piles, the EPA feels that a joint statement communicating the intention of identifying a solution for relocation of all or part of the piles is appropriate and is an immediate priority for EPA Region 4. As you are aware, efforts have been underway by our staff, as well as with other local stakeholders, to identify a viable solution, and we encourage the continued emphasis on joint cooperation in this endeavor.

We appreciate your concerns regarding the EPA's enforcement efforts, and as we discussed, the agency continues to investigate additional potentially responsible parties (PRPs) for the 35th Avenue Superfund Site. On July 29, 2014, the EPA issued a General Notice Letter to the U.S. Army. On August 8, 2014, the agency issued offer letters to six PRPs, including Walter Coke, offering them the opportunity to conduct the Phase II time-critical removal action. The EPA intends to continue its enforcement activities, including efforts to identify any additional PRPs, while the Phase II removal action is underway. However, details regarding the agency's future enforcement plans are confidential.

We also appreciate your desire to work with the EPA in resolving these important issues in the North Birmingham area and hope you find this information helpful. If we may be of further assistance, please contact Ms. Anita Davis at (404) 562-8844.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Toney', with a long, sweeping horizontal line extending to the right.

Heather McTeer Toney
Regional Administrator



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Walter Coke, Inc.
3500 35th Avenue
Birmingham, Alabama 35207-2918

RECEIVED
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July 23, 2014

Ms. Heather McTeer-Toney
Regional Administrator
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

Dear Ms. Toney:

Thank you and your staff for meeting with us last week to discuss issues that Walter Coke and EPA are both working on in the North Birmingham area. We appreciated the opportunity to introduce ourselves and to update you on the company's perspective, as well as Walter Coke's historical relevance in the North Birmingham community, both as an employer and neighbor.

Since meeting, we have reflected further on EPA's request that Walter Coke consider a written commitment relating to the mineral wool piles at the facility. We understood from the meeting that EPA recognizes that the mineral wool piles are not a regulatory or environmental concern, but we also understood that EPA is interested in working constructively with Walter Coke and the City to address the communities' concerns related to the piles' aesthetics.

As noted in the meeting, Walter Coke is willing to consider memorializing its intentions as to the mineral wool piles in a joint statement issued publicly by the company, EPA, and, if it is interested, the City. That statement would indicate that the company, EPA, and the City have agreed to work cooperatively to identify potential ways to reduce or eliminate the piles' aesthetic effects. It would also state that testing shows that the mineral wool piles are inert and pose no threat to the environmental or human health, and that Walter Coke's efforts are voluntary in nature. EPA's participation in the release of such accurate information is important to Walter Coke's willingness to consider a written commitment.

The timing of any such written commitment is also important to Walter Coke. We were encouraged to hear during last week's meeting that, after nearly three years, EPA should be in a position by this fall to take actions as to additional PRPs. We discussed with you our concerns that EPA's involvement and communication in North Birmingham, as well as media involvement, has led to focusing primarily if not exclusively on Walter Coke. As EPA knows, this area has seen a century of heavy industrial activity, involving many other industries. Using the criteria which are being used to evaluate and define remediation actions, numerous other entities should be named to participate in this effort. We named just a few of those in our meeting with you last week. While it does seem that progress is being made, it is important to Walter Coke to have a more definitive understanding of EPA's time table for identifying and noticing other PRP's prior to taking the next step (issuance of a joint statement) relative to the mineral wool piles. While we are willing to move forward on all these fronts, hopefully you can appreciate the challenges we face, especially as the public eye continues to be focused almost exclusively on Walter Coke.

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Ms. Heather McTeer-Toney
July 23, 2014

We would also welcome the input of your staff on potential beneficial uses for the mineral wool product, even as we are continuing to diligently work on a couple of possibilities for the product. We will look forward to hearing from your team on this point, and also, your input on timing for EPA and Walter Coke to work together on a collaborative statement, with consideration of our request above.

Heather, thanks again for meeting with us and for your consideration of Walter Coke's concerns, as well as your commitment to North Birmingham.

Sincerely,

Carol Farrell/CF

Carol W. Farrell
President

CWF/pt

Cc: Dan Grucza, Vice President & Sr. Counsel – Environmental
Walter Energy, Inc.